

REMARKS

Claims 2-8, 11-13, 15, 18-22, 29-33, 35 and 36 were previously pending in the present application. In the above amendments, claims 2-8, 13, 15, 18-21, 29, 33, 35 and 36 have been amended and new claims 37-40 have been added. No claims have been cancelled and no new matter has been added. Therefore, after entry of the above amendments, claims 2-8, 11-13, 15, 18-22, 29-33 and 35-40 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

As generally suggested by the Examiner at page 8 of the Final Office action, the claims have been amended to claim, *inter alia*, a mobile wireless communication device in order to enhance compact prosecution. Specifically, claims 2-8, 13, 15, 18-21, 29, 33, 35 and 36 have been amended to clarify the wireless device as a mobile wireless communication device. New claims 37-40 have been added to claim the mobile wireless communication device as being selected from the group consisting of mobile telephones, two-way pagers, and personal digital assistants (PDAs). Support for the present amendments can be found throughout the originally-filed specification, and particularly in paragraphs [0016], [0020] and [0021].

Claim Rejections – 35 U.S.C. §103

In the Office Action claims 2-8, 11-13, 15, 18-22, 29-33, 35 and 36 were rejected under 35 USC § 103(a) as being obvious over Walters in view of Curtiss and Findikli. Applicants respectfully traverse this rejection and incorporate the arguments filed on March 20, 2009 by reference.

Improper to Combine References

It is well established law that if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Also see M.P.E.P. 2143.01.

Walters, *as a whole*, is drawn to interfacing a digital camera with a computer or server (the Final Office action cites to the disclosed IBM Thinkpad PC) using interchangeable wireless transmitters as a bridge for a direct wireless uplink so as to provide wireless enabled mass

storage for the camera (see col. 10, lines 6-11). Walters apparently *requires* device identification in order to work (see the device ID in figure 8), thus *teaching against* the present invention.

Walters operates on the principle of a device (PC or server) acting as mass storage for a peripheral device (camera) based upon use of a wireless interface. As such, any modification to have the device control communications with the peripheral via a resident program would impermissibly change the principle of operation of Walters. Accordingly, the combination of Walters with Curtis and Findikli is improper and fails to render the claims *prima facie* obvious.

The Prior Art Fails to Disclose All Claim Limitations

As explained in to previous Office Actions, the independent claims require, *inter alia*, that if the peripheral device is identified, “automatically mapping from the identified peripheral device to a corresponding one of said resident programs” and if the peripheral is not identified “*determining a communication protocol* of said peripheral device, wherein *the determined communication protocol is used to automatically map* to a corresponding one of said resident programs,” which is not taught or fairly suggested by the prior art.

Further, the presently-amended claims include limitations to, *inter alia*, a mobile wireless communication device for connection to a peripheral. The present specification distinguishes mobile wireless communication devices from personal computers (PCs) at paragraphs [0002]-[0003] such that, in accordance with the broadest reasonable interpretation *consistent with the specification* as per M.P.E.P. 2111, the IBM Thinkpad PC of Walters cannot reasonably be considered a “mobile wireless communication device” within the meaning of the claims.

Unlike Walters, Curtiss and Findikli are drawn to the connection of peripherals to mobile wireless communication devices. However, both Curtiss and Findikli *teach against* the present invention by teaching that control data or software should be *stored on the peripheral* and *transferred* to the mobile wireless communication device in order for the device to control communications with the peripheral. In contrast, when the peripheral is not identified, the present invention resorts to “*determining a communication protocol* of said peripheral device, wherein *the determined communication protocol is used to automatically map* to a corresponding one of said *resident* programs.” While protocols such as Bluetooth are disclosed in the prior art, the protocols are *not used to automatically map* to a corresponding *resident* program.

The Final Office action cites to paragraphs [0057]-[0059] of Curtiss for alleged disclosure of the claimed limitations related to mapping to resident programs based upon identification and non-identification of the peripheral. However, instead of teaching

“*determining a communication protocol of said peripheral device, wherein the determined communication protocol is used to automatically map to a corresponding one of said resident programs*” when the peripheral is not identified, Curtiss teaches reading the control data from the peripheral and using (mapping to) similar control data on the device to download the control data from the peripheral. It clearly fails to teach or fairly suggest *using the determined communication protocol to automatically map to a corresponding one of the resident programs*, as presently claimed. Indeed, the Final Office action also cites to Rathbone with regard to peripheral detection, which teaches use of a default base driver for communication with an unknown peripheral based on a *detected accessory type* (similar to step 716 in fig. 6A of Curtiss), whereas the present invention maps to a resident program to control the unidentified peripheral *based on a determined communication protocol*.

The “Response to Arguments” portion of the Office Action states that “[n]othing in the claim limitations precludes Findikli from transferring a resident program once it has already been automatically mapped to a particular peripheral.” Applicants respectfully disagree. As an initial matter, Applicants note the impossibility of “transferring a resident program” – to be “resident,” the program must reside on the device and cannot therefore be transferred; likewise, if it needs to be transferred, it clearly does not reside on the device and therefore isn’t “resident.”

Furthermore, using claim 35 as an example, the claim requires:

- that the program be resident on the mobile wireless communication device - “the mobile wireless communication device having an operating system including a computer platform that manages mobile wireless communication device resources and interaction between the mobile wireless communication device and other devices, the computer platform further including a plurality of resident programs each respectively associated with a communication protocol” – such that Findikli could *only* meet the limitation upon *subsequent* connection after the software has been transferred from the peripheral; and
- that, upon failure to identify the peripheral, using the determined protocol to map to a resident program – “if said peripheral device is not identified, determining a communication protocol of said peripheral device, wherein the determined communication protocol is used to automatically map to a corresponding one of said resident programs” – in Findikli, if the software has been previously transferred to the mobile wireless communication device, the peripheral should be identified – and if not, the software will be *transferred again* such that it could not be resident on the device

when the device failed to identify the peripheral in such a manner that it could be mapped thereto at that time.

For at least these reasons, Applicants respectfully submit that the Final Office action has failed to present a *prima facie* case of obviousness for claims 2-8, 11-13, 15, 18-22, 29-33, 35 and 36 as amended. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 2-8, 11-13, 15, 18-22, 29-33, 35 and 36 under 35 USC § 103(a).

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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